

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Eunice Welch Lolmaugh v Harvey L Curry**

Docket No. **260258**

L.C. No. **2003-003530-CK**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed January 13, 2005, is DISMISSED for lack of jurisdiction because appellants failed to file the claim within 21 days of the December 22, 2004 final order as required by MCR 7.204(A)(1)(a). It is true that appellants sent the claim of appeal to the "State of Michigan" on January 7, 2005, to an address of a building that contains numerous State of Michigan Departments, including the Clerk of the Court of Appeals. However, the envelope did not direct that the contents of the envelope go the Court of Appeals. Under MCR 7.202(2) and (4) filing did not occur until the claim of appeal was received by the Clerk, which did not occur until January 13, 2005, due to the inadequate address that appeared on the envelope. As a result, appellants may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 28 2005
Date

Sandra Schultz Mengel
Chief Clerk